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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,049	10/11/2000	Venkata R. Jagana	BEA9-2000-0005-US1	4959
61780	7590	09/28/2006	EXAMINER	
LAW OFFICES OF MICHAEL DRYJA 704 228TH AVE. NE # 694 SAMMAMISH, WA 98074			JACOBS, LASHONDA T	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/686,049		JAGANA, VENKATA R.	
	Examiner		Art Unit	
	LaShonda T. Jacobs		2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 19, 2006.
- 2a) ☒ This action is **FINAL**. 2b) This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,23,25-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,23,25-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is a Final Office Action in response to Applicant Amendment filed on July 19, 2006.

Claims 1-21, 23, 25-27 and 29 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21, 23, 25-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (U.S. pat. No. 6,769,021) in view of Latif et al (hereinafter, "Latiff", U.S. Pat. No. 6,400,730).

As per claims 1, 4, 7, 16, 19, 25, discloses a system for communication between a first host and second host comprising:

- means for communicating between a first host and a storage area network using a storage area network protocol, the storage area network including a plurality of storage devices exclusive of the first host (col. 1, lines 60-67 and col. 2, lines 1-2; Bradley teaches the hosts 102a and 102b each contain NIC's or similar communication circuitry that allows for communication between hosts and the subnet. Bradley further teaches that the hosts are able to communicate with each other);

- means for communicating between a second host and the storage area network using the storage area network protocol, the storage devices exclusive of the second host (col. 1, lines 60-67 and col. 2, lines 1-2; Bradley teaches the hosts 102a and 102b each contain NIC's or similar communication circuitry that allows for communication between hosts and the subnet. Bradley further teaches that the hosts are able to communicate with each other); and
- means for communicating directing between the first and second hosts using the storage area network protocol without passing through a storage device (col. 1, lines 60-67 and col. 2, lines 1-2; Bradley teaches the hosts 102a and 102b each contain NIC's or similar communication circuitry that allows for communication between hosts and the subnet. Bradley further teaches that the hosts are able to communicate with each other).

However, Bradley does not explicitly disclose:

- means for communicating directly between the first and second hosts using the storage area network protocol in a non-ESCON protocol manner.

Latiff discloses a method and apparatus for receiving, translating and routing data packets comprising:

- means for communicating directly between the first and second hosts using the storage area network protocol in a non-ESCON protocol manner (col. 1, lines 35-44, col. 2, lines 15-67 and col. 6, lines 6-67; Latif discloses storage area network in a non-ESCON manner).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Latif teachings of a storage area network in a non-

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ESCON manner with Bradley teachings for configuring a storageless host on the fabric, for the purpose of a more effective way of communicating between hosts in a shared fabric networking environment.

As per claims 2, 5, 8, 11, 17, 20, 26, Bradley discloses the invention substantially as claims discussed above.

However, Bradley does not explicitly disclose:

- wherein the storage area network protocol is a FICON protocol.

Latiff discloses a method and apparatus for receiving, translating and routing data packets comprising:

- wherein the storage area network protocol is a FICON protocol (col. 2, lines 15-34;

Latif discloses utilizing FCP (Fiber Channel Protocol).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Latif teachings of a storage area network in a non-ESCON manner with Bradley teachings for configuring a storageless host on the fabric, for the purpose of a more effective way of communicating between hosts in a shared fabric networking environment.

As per claims 3, 6, 9, 10, 15, 18, 21, 27, Bradley-Latiff discloses wherein the means for communicating comprises:

- means at the first host for translating between the storage area network protocol and a host-to-host communications protocol selected from the group consisting of TCP/IP (see Latiff, col. 6, lines 23-37) and SNA (The Examiner takes Official Notice (see MPP 2144.03), that it would have been obvious to one of ordinary skill in the art at the time

the invention was made for the communication protocol selection to have included SNA since SNA can be and is used with TCP/IP).

As per claim 12, Bradley discloses the invention substantially as claims discussed above.

However, Bradley does not explicitly disclose wherein the step of communicating directly between the first and second hosts comprises:

- encapsulating TCP/IP packets from the first host in 8232 protocol frames;
- transmitting the 8232 protocol frames to the second host using the FICON protocol; and
- decapsulating the TCP/IP packets from the 8232 protocol frames at the second host.

Latiff discloses a method and apparatus for receiving, translating and routing data packets comprising:

- encapsulating TCP/IP packets from the first host in 8232 protocol frames col. 6, lines 23-37; Latif teaches encapsulation that is over a high speed network);
- transmitting the 8232 protocol frames to the second host using the FICON protocol (col. 6, lines 23-37); and
- decapsulating the TCP/IP packets from the 8232 protocol frames at the second host (col. 11, lines 57-63).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Latif teachings of a storage area network in a non-ESCON manner with Bradley teachings for configuring a storageless host on the fabric, for the purpose of a more effective way of communicating between hosts in a shared fabric networking environment.

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As per claims **13** and **14**, Bradley discloses the invention substantially as claims discussed above.

However, Bradley does not explicitly disclose:

- wherein the step of communicating directly between the first and second hosts supports a high speed file transfer application.

Latiff discloses a method and apparatus for receiving, translating and routing data packets comprising:

- wherein the step of communicating directly between the first and second hosts supports a high speed file transfer application (col. 6, lines 23-37).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Latif teachings of a storage area network in a non-ESCON manner with Bradley teachings for configuring a storageless host on the fabric, for the purpose of a more effective way of communicating between hosts in a shared fabric networking environment.

As per claims **23** and **29**, Bradley discloses:

- wherein the medium is selected from the group consisting of magnetic, optical, biological and atomic data storage media (col. 6, lines 31-34).

Response to Arguments

3. Applicant's arguments filed July 19, 2006 have been fully considered but they are not persuasive.

The Office notes the following:

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- a. Bradley does not disclose a storage area network with which the first and second hosts communicate using a storage area network protocol.
- b. Bradley does not disclose the first and second hosts communicating directly with one another using the storage area network protocol.
- c. Bradley does not teach the limitations of the claimed invention nor Bradley in combination with Latif does not teach all the limitations of claimed invention.

In response to:

(a)-(b), Bradley teaches a method for configuring a storageless host on the fabric with host 102a and 102b each contain NIC's or similar communication circuitry that allows for communication between the hosts and the subnet. Bradley further teaches that the hosts are able to communicate with each other (col. 1, lines 60-67 and col. 2, lines 1-4). Therefore, Bradley discloses a storage network with which the first and second hosts communicate directly with one another using the storage area network protocol. In the same field of endeavor, Latif discloses methods and apparatus for receiving, translating and routing between different protocols in which the network protocol is in a non-ESCON manner (col. 1, lines 35-44, col. 2, lines 15-67 and col. 6, lines 6-67). Therefore, the combination of Bradley and Latif teach the limitations of claimed invention.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

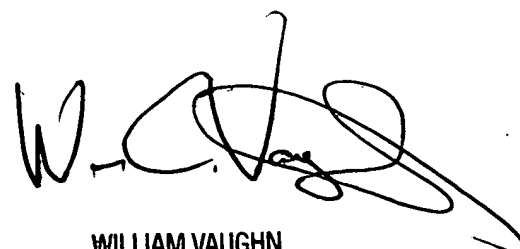
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
September 23, 2006



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